

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

IN RE SUBPOENA ISSUED IN:

MWK Recruiting, Inc. v. Jowers, et al.
pending in the U.S. District Court for the
Western District of Texas,
Case No. 1:18-cv-00444-RP

Misc No. 1:21-mc-00194

ORAL ARGUMENT REQUESTED

BREAKING MEDIA INC.
dba ABOVE THE LAW,

Petitioner,

-against-

EVAN P. JOWERS,

Respondent.

**NOTICE OF MOTION TO QUASH NON-PARTY SUBPOENA ON GROUNDS OF,
AMONG OTHERS, REPORTERS' PRIVILEGE**

PLEASE TAKE NOTICE that, upon 1) the accompanying Declaration David S. Korzenik and exhibits annexed to it, 2) the accompanying Memorandum of Law, and 3) all prior proceedings, Petitioner Breaking Media, Inc., publisher of *AboveTheLaw.com* ("Petitioner"), by its attorneys, Miller Korzenik Sommers Rayman LLP, will move this Court as soon as counsel can be heard, for an Order (i) quashing the subpoena ("Subpoena" attached as Exhibit A to the Declaration of David S. Korzenik) served on Petitioner by Respondent Evan P. Jowers ("Respondent") in connection with the case *MWK Recruiting, Inc. v. Jowers et al.*, pending in the U.S. District Court for the Western District of Texas (Case No. 1:18-cv-00444-RP) pursuant to Fed. R. Civ. P. 45(d)(3); (ii) awarding Petitioner its reasonable expenses and attorneys' fees incurred in responding to the Subpoena pursuant to Fed. R. Civ. P. 45(d)(1); and (iii) awarding

such other and further relief as the Court deems just and proper. Petitioner respectfully requests that the Court hold oral argument on this Motion.

DATED: New York, New York
February 17, 2021

MILLER KORZENIK SOMMERS RAYMAN LLP

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